



CITY OF DURHAM | DURHAM COUNTY
NORTH CAROLINA



ZONING MAP CHANGE REPORT

Meeting Date: December 1, 2014

Table A. Summary			
Application Summary			
Case Number	Z1400019	Jurisdiction	City
Applicant	Stocks Engineering, PA	Submittal Date	July 21, 2014
Reference Name	Waffle House – NC 55	Site Acreage	1.5
Location	4203 NC 55 Highway, south of Carpenter Fletcher Road and north of Meridian Parkway		
PIN(s)	0738-01-27-1525		
Request			
Proposed Zoning	Commercial Neighborhood (CN)	Proposal	1,875 square foot restaurant
Site Characteristics			
Development Tier	Suburban Tier		
Land Use Designation	Commercial		
Existing Zoning	Office Institutional (OI)		
Existing Use	Retail		
Overlay	MTC	Drainage Basin	Jordan Lake
River Basin	Cape Fear	Stream Basin	Northeast Creek
Determination/Recommendation/Comments			
Staff	Staff determines that this request is consistent with the <i>Comprehensive Plan</i> and applicable policies and ordinances.		
Planning Commission	Recommend approval, 10-0 on October 14, 2014. The Planning Commission finds that the ordinance request is consistent with the adopted Comprehensive Plan. The Commission believes the request is reasonable and in the public interest and recommends approval based on comments received at the public hearing and the information in the staff report.		
DOST	No comments		
BPAC	No comments		

A. Summary

This is a request to change the zoning designation of a 1.5-acre parcel of land to allow for commercial and retail uses. Although not committed, the applicant proposes to develop the property as a 1,875 square foot restaurant. The site is located at 4203 NC 55 Highway, south of Carpenter Fletcher Road and north of Meridian Parkway (see Attachment 1, Context Map). This request is consistent with the *Comprehensive Plan* and applicable policies and ordinances.

Appendix A provides supporting information.

B. Site History

There have been no recent zoning map change requests for this site.

C. Review Requirements

Planning staff has performed a sufficiency review for this Zoning Map Change request (reference UDO Sec. 3.2.4, Application Requirements [general] and 3.5.5, Application Requirements [for a Zoning Map Change]). This staff report presents the staff findings per Sec. 3.5.8, Action by the Planning Director, on the request's consistency with the Unified Development Ordinance and applicable adopted plans.

This review is based primarily on compliance with any applicable laws, plans, or adopted policies of the City Council. Any issues or concerns raised in this report are based on best professional planning practice unless they have a basis in adopted plans, policies, and/or laws.

D. Unified Development Ordinance (UDO) Compliance

This request is consistent with the requirements of the Unified Development Ordinance. There is no development plan associated with this request. As such, there are no voluntary limitations imposed to the requested CN zoning district.

Appendix D provides supporting information.

Determination. If the requested CN zoning district is approved a range of uses would be permitted ranging from residential to commercial and retail.

E. Adopted Plans

A zoning map change request must be consistent with the *Comprehensive Plan*. As such, other adopted plans have been included by reference in this document. Table E, Adopted Plans, in Appendix E identifies the applicable policies of the *Comprehensive Plan* and other adopted plans included by reference.

Determination. The requested CN zoning district is consistent with the Future Land Use Map of the *Comprehensive Plan* which designates this site as Commercial.

The following conditions have been identified on an adopted plan that may be associated with the subject site:

Long Range Bicycle Plan, Map 4.6. The *Long Range Bicycle Plan, Map 4.6*, show a proposed bicycle lane along NC 55 Highway and a proposed greenway adjacent to the site along the railroad right-of-way. These segments have been identified as such for their “ability to provide connectivity, serve underserved areas, improve safety in areas of concern, and address public input” (Durham Comprehensive Bicycle Transportation Plan, Executive Summary).

F. Site Conditions and Context

Site Conditions. This request includes one 1.5-acre parcel at 4203 NC 55 Highway. The parcel is a narrow parcel, approximately 800 feet long and averaging 75 feet wide, and surrounded on three sides by right-of-way; street right-of-way to the west and north and railroad right-of-way to the east. There are two converted residential structures on the site most recently used for retail.

Area Characteristics. This site is located in the Suburban Tier on the east side of NC 55 Highway, south of Carpenter Fletcher Road and north of Meridian Parkway and within ¼ mile of Interstate-40 access ramps. NC 55 Highway is an arterial road between downtown Durham (and NC 147 Highway) and southeast Durham. In the more immediate vicinity of the site is a range of nonresidential uses that are typically associated with an interstate interchange such as office park, hotels, and a range of commercial uses. The Major Transportation Corridor overlay encompasses this site and is intended to enhance the aesthetic appeal of areas that serve as entryways to Durham for both residents and visitors by reducing visual clutter. Mapped flood areas associated with Northeast Creek are within ¼ mile of the site but the site is not within a Watershed Protection Overlay district. Zoning districts include Office Institutional with a development plan (OI(D)), OI, Residential Urban – 5 (RU-5), Industrial Light with a development plan (IL(D)), CN(D), and CN.

Appendix F provides a summary of the uses and zoning in the more immediate vicinity of the subject site.

Determination. The proposed CN district meets the ordinance requirements in relation to development on the subject site.

G. Infrastructure

The impact of the requested change has been evaluated to suggest its potential impact on the transportation system, water and sewer systems, and schools. In each case, the impact of the change is evaluated based upon a change from the most intense

development using the existing land use and zoning to the most intense use allowed under the request.

See Appendix G for additional information.

Determination. The proposed CN district is consistent with *Comprehensive Plan* policies regarding the infrastructure impacts of transit, utility, drainage/stormwater, schools and water supply. The proposal is estimated to decrease the students generated on the site by one student and decrease water demand by 460 gallons per day. Traffic is estimated to increase traffic by 1,740 trips per day from the existing zoning. The existing infrastructure has available capacity to meet these needs.

H. Staff Analysis

Staff determines that this request is consistent with the *Comprehensive Plan* and applicable polices and ordinances. If the requested CN zoning designation were approved commercial uses, in accordance with UDO Article 5 would be permitted.

I. Contacts

Table I. Contacts		
Staff Contact		
Amy Wolff, Senior Planner	Ph: 919-560-4137, ext. 28235	Amy.Wolff@DurhamNC.gov
Applicant Contact		
Agent: Kevin Varnell, Stocks Engineering, PA	Ph: 252-459-8196	kvarnell@stocksengineering.com

J. Notification

Staff certifies that newspaper advertisements, letters to property owners within 600 feet of the site and the posting of a zoning sign on the property has been carried out in accordance with Section 3.2.5 of the UDO. In addition, the following neighborhood organizations were mailed notices:

- Inter-Neighborhood Council
- Partner’s Against Crime – District 4
- Friends of Durham
- Unity in the Community for Progress
- Fayetteville Street Planning Group
- Northeast Creek StreamWatch

K. Summary of Planning Commission Meeting October, 2014 (Case Z1400019)

Staff Report: Ms. Wolff presented the staff report.

Zoning Map Change Request Office Institutional (OI) to Commercial Neighborhood (CN).

Public Hearing: Chair Harris opened the public hearing. No one signed up to speak no one spoke for support or in opposition. Chair Harris closed the public hearing.

Commission Discussion: The commissioners didn't understand the reason for building another Waffle House so close to the old location. Concerns were expressed the site to close to the railroad.

Motion: Approval of Waffle House – NC 55 (Z1400019) (Miller, Padgett 2nd).

Action: Motion carried, 10-0

Findings: The Planning Commission finds that the ordinance request is consistent with the adopted Comprehensive Plan. The Commission believes the request is reasonable and in the public interest and recommends approval based on comments received at the public hearing and the information in the staff report.

L. Supporting Information

Table K. Supporting Information		
Applicability of Supporting Information		
Appendix A	Application	Attachments: 1. Context Map 2. Future Land Use Map 3. Aerial Photography 4. Application 5. Submittal and Review History
Appendix B	Site History	N/A
Appendix C	Review Requirements	N/A
Appendix D	Unified Development Ordinance	Table D1: Designation Intent Table D2: District Requirements Table D3: Environmental Protection Table D4: Project Boundary Buffers
Appendix E	Adopted Plans	Table E: Adopted Plans
Appendix F	Site Conditions and Context	Table F: Site Context
Appendix G	Infrastructure	Table G1: Road Impacts Table G2: Transit Impacts Table G3: Utility Impacts Table G4: Drainage/Stormwater Impacts

Table K. Supporting Information		
		Table G5: School Impacts Table G6: Water Impacts
Appendix H	Staff Analysis	N/A
Appendix I	Contacts	N/A
Appendix J	Notification	N/A
Appendix K	Summary of Planning Commission Meeting	Attachments: 6. Planning Commissioner’s Written Comments 7. Ordinance Form 8. Consistency Statement

Appendix A: Application Supporting Information

Attachments:

1. Context Map
2. Future Land Use Map
3. Aerial Photography
4. Application
5. Submittal and Review History

Appendix D: Unified Development Plan Supporting Information

Table D1. UDO Designation Intent	
CN	Commercial Neighborhood – the CN district is established to provide for modest-scale commercial centers in close proximity to residential areas that offer limited commercial uses to satisfy the needs of the surrounding neighborhood; each lot is limited to 20,000 square feet of project floor area. While CN is a commercial district, other uses such as residential and office may also be allowed.
MTC	Major Transportation Corridor Overlay – the –MTC Overlay is established to enhance the economic and aesthetic appeal and orderly development of properties adjacent to major transportation corridors. Certain arterial streets, parkways and expressways are of critical importance to Durham City and County. Rights-of-way carrying high volumes of traffic are image makers for Durham City and County. They act as entryways for visitors and residents and also serve as an indicator of the quality of life found in the area. Standards are provided to ensure that thoroughfares in this overlay develop with improved traffic efficiency and safety by reducing visual clutter and avoiding inappropriate site design.

Table D2. District Requirements – CN			
	Code Provision	Required	Development
Minimum Site Area (square feet)	6.10.1.B	5,000	65,340
Maximum Project Floor Area (square feet)	6.10.1.B	20,000	1,875 (not committed)
Minimum Lot Width (feet)	6.10.1.B	50	50
Minimum Street Yard (feet)	6.10.1.B	25	To be determined at the time of site plan
Minimum Side Yard (feet)	6.10.1.B	15	
Minimum Rear Yard (feet)	6.10.1.B	25	
Maximum Height (feet)	6.10.1.B	35	

Table D3. Environmental Protection		
Resource Feature	UDO Provision	Required
Tree Coverage	8.3.B.4.a	10% (0.15 acres)

Table D4. Project Boundary Buffers		
Cardinal Direction	Adjacent Zone	Required Opacity
North	OI	0/0
East	OI, RU-5(2), IL	N/A right-of-way greater than 60 feet
South	CN(D)	0/0
West	CN,CN(D), OI(D)	N/A right-of-way greater than 60 feet

Appendix E: Adopted Plans Supporting Information

Table E. Adopted Plans	
Comprehensive Plan	
Policy	Requirement
Future Land Use Map	Commercial: Land used primarily for retail, entertainment, office, and services. Suburban Tier: Land uses that shall be allowed include Recreation and Open Space, Agricultural, Residential, Institutional, Commercial, Office, Research/Research Application, and Industrial.
2.2.2a	Suburban Tier Development Focus: Ensure that the Suburban Tier has sufficient land to accommodate anticipated population growth and its attendant demands for housing, employment, and goods and services, including opportunities for affordable housing and recreation.
2.2.2b	Suburban Tier Land Uses: Land uses that shall be allowed include Recreation and Open Space, Agricultural, Residential, Institutional, Commercial, Office, Research/Research Application, and Industrial.

Table E. Adopted Plans	
2.2.2e	Suburban Tier Commercial Development: discourage auto-oriented commercial “strip” development and instead encourage commercial “nodes” with appropriately designed internal connections at key locations along major transportation corridors.
2.2.2f	Suburban Tier Spacing of Commercial Nodes: Use the following standards when evaluation requests for new commercial development: <ul style="list-style-type: none"> i. Separate distinct nodes of commercial development by a distance of at least one-half mile; ii. Cluster commercial uses at intersections of thoroughfares; and iii. Restrict new, isolated, mid-block commercial uses, unless compatible with surrounding uses.
2.3.1a	Contiguous Development: Support orderly development patterns that take advantage of the existing urban services, and avoid, insofar as possible, patterns of leapfrog, noncontiguous, scattered development.
2.3.2a	Infrastructure Capacity. Consider the impacts to the existing capacities of the transportation, water, and sewer systems, and other public facilities and services. Measure from the potential maximum impact of current policy or regulation to the potential maximum impact of the proposed change in policy or regulation.
8.1.2i	Transportation Level of Service Maintenance: Not recommend approval for any zoning map change which would result in the average daily trips exceeding 110% of the adopted level of service standards for any adjacent road, unless the impact on the adjacent roads is mitigated.
8.1.4c and d	Development Review and the Adopted Bicycle Plans: Review development proposals in relation to the 2006 Comprehensive Durham Bicycle Transportation Plan and the Bicycle Component of the most recent adopted Long Range Transportation Plan, and seek dedication or reservation of right-of-way or easements and construction of facilities in conformance with that Plan and Complete Street design standards.
8.1.4p	New Bicycle Routes: Wherever possible, incorporate recommended bike lanes or wide shoulders during street resurfacing or reconstruction and convert railroad corridors to bikeways.
11.1.1a	School Level of Service Standard: The level of service for public school facilities shall be established as a maximum enrollment of 110 percent of the system’s maximum permanent building capacity, measured on a system-wide basis for each type of facility.
11.1.1b	Adequate Schools Facilities: Recommend denial of all Zoning Map amendments that proposed to allow an increase in projected student generation over that of the existing zoning that would cause schools of any type to exceed the level of service.
Long Range Bicycle Plan	
Map 4-6 shows a proposed bicycle lane along NC 55 Highway and a proposed greenway along the adjacent railroad right-of-way.	

Appendix F: Site Conditions and Context Supporting Information

Table F. Site Context			
	Existing Uses	Zoning Districts	Overlays
North	Vacant property, confluence of two right-of-ways	OI	N/A
East	Vacant property, daycare facility, office, single-family residential	OI, RU-5(2), IL(D)	N/A
South	Convenience store, restaurant	CN(D)	MTC
West	Vacant property, daycare facility, Commercial, and vehicle services	CN, CN(D), OI	MTC

Appendix G: Infrastructure Supporting Information

Table G1. Road Impacts	
NC 55 Highway is the major road impacted by the proposed zoning change. There are no scheduled NCDOT roadway improvement projects in the area.	
Affected Segments	NC 55 Highway
Roadway Capacity(LOS E) (AADT)	37,800
Latest Traffic Volume (AADT)	24,000
Traffic Generated by Present Designation (average 24 hour)*	741
Traffic Generated by Proposed Designation (average 24 hour)**	2,481
Impact of Proposed Designation	+1,740

Source of LOS Capacity: FDOT Generalized Level of Service Volume Table 4-1 (2011)

NC 55: 5-lane undivided Class I arterial

Source of Latest Traffic Volume: 2013 NCDOT Traffic Count Map

***Assumption (existing zoning)** – OI: 5,000 SF bank with drive-thru

****Assumption (proposed zoning)** – CN: 5,000 SF fast-food restaurant with drive-thru

Table G2. Transit Impacts
Transit service is currently provided along NC 55 via DATA Route 12.

Table G3. Utility Impacts
This site is served by City water and sewer.

Table G4. Drainage/Stormwater Impacts
The impacts of any change will be assessed at the time of site plan review. The subject site is of sufficient size and shape to accommodate appropriate stormwater facilities that may be required at this time.

Table G5. School Impacts			
The proposed zoning is estimated to generate three students if developed to its maximum residential potential. This represents a decrease of one student compared to the maximum number of students generated from the existing zoning if developed as residential. Durham Public Schools serving the site are Bethesda Elementary School, Lowes Grove Middle School, and Hillside High School.			
Students	Elementary School	Middle School	High School
Current Building Capacity	16,695	7,824	10,080
Maximum Building Capacity (110% of Building Capacity)	18,365	8,606	11,088
20th Day Attendance (2013-14 School Year)	16,579	7,465	9,737
Committed to Date (July 2011 – June 2014)	68	19	-35
Available Capacity	1,689	1,114	1,383
Potential Students Generated – Current Zoning*	2	1	1
Potential Students Generated – Proposed Zoning**	1	1	1
Impact of Proposed Zoning	-1	0	0

*Assumption- (Max Use of Existing Zoning) – OI: 16 apartments

**Assumption- (Max Use of Existing Zoning) – CN: 12 apartments

Table G6. Water Supply Impacts	
This site is estimated to generate a total of 1,380 GPD if developed to its maximum potential with the proposed zoning district. This represents a reduction of 460 GPD from the existing zoning district.	
Current Water Supply Capacity	37.00 MGD
Present Usage	28.37 MGD
Approved Zoning Map Changes (July 2011 – June 2014)	0.14 MGD
Available Capacity	8.49 MGD
Estimated Water Demand Under Present Zoning*	1,840 GPD
Potential Water Demand Under Proposed Zoning**	1,380 GPD
Potential Impact of Zoning Map Change	-460

Notes: MGD = Million gallons per day

*Assumption- (Max Use of Existing Zoning) – OI: 16 apartments

**Assumption- (Max Use of Existing Zoning) – CN: 12 apartments

Appendix K: Summary of Planning Commission Meeting

Attachments:

6. Planning Commissioner's Written Comments
7. Ordinance Form
8. Consistency Statement